Transportation Safety Board of Canada

Bureau de la sécurité des transports du Canada

ANNUAL REPORT TO PARLIAMENT ON THE APPLICATION OF THE *PRIVACY ACT* 1 APRIL 2017 TO 31 MARCH 2018

Canada

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Annual report to Parliament on the application of the *Privacy Act* 2017–18

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Place du Centre
200 Promenade du Portage
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Gatineau, Quebec
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20 June 2018

The Honourable Karina Gould, P.C., M.P.
Minister of Democratic Institutions and
President of the Queen's Privy Council for Canada
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Minister:

In accordance with section 72 of the *Privacy Act*, the Transportation Safety Board of Canada is pleased to submit to Parliament this report on its activities relating to the application of the Act for the period 1 April 2017 to 31 March 2018.

Sincerely,

Kathleen Fox
Chair

Canada

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1.0 *Introduction*

Pursuant to section 72 of the *Privacy Act*, the Transportation Safety Board of Canada (TSB) is pleased to table in Parliament this report on its activities relating to the application of the Act. The report covers the period from 1 April 2017 to 31 March 2018.

The purpose of the *Privacy Act* is to protect the privacy of individuals with respect to personal information about themselves held by government institutions such as the TSB, and to provide individuals with a right of access to that information.

The *Canadian Transportation Accident Investigation and Safety Board Act* provides the legal framework that governs TSB activities. Our mandate is to advance transportation safety in the marine, pipeline, rail and air modes of transportation by:

- conducting independent investigations, including public inquiries when necessary, into selected transportation occurrences in order to make findings as to their causes and contributing factors;
- identifying safety deficiencies, as evidenced by transportation occurrences;
- making recommendations designed to eliminate or reduce any such safety deficiencies; and
- reporting publicly on our investigations and on the findings in relation thereto.

More information on the TSB is available at www.tsb-bst.gc.ca.

The TSB's administration of its Access to Information and Privacy (ATIP) activities is in accordance with the government's stated principles that government information should be available to the public with only specific and limited exceptions. Furthermore, the TSB treats personal information in compliance with the code of fair information practice expressed in the *Privacy Act*.

2.0 *ATIP Office organization*

During 2017–18, the General Counsel held the responsibilities of the ATIP Coordinator. The ATIP Office also consisted of five full-time positions, one term position and a casual position.

The ATIP Office administers requests made pursuant to the Act and provides functional advice and guidance to managers and employees concerning the release of information and protection of privacy. In addition, ATIP analysts are required to exhibit strong consultative and negotiating skills when meeting with requesters, employees of the TSB, and representatives of the Office of the Privacy Commissioner.

3.0 *Delegation of authority*

As required by the legislation, a delegation of authority is in place. For the purposes of the *Privacy Act*, the "head of the institution" as defined in section 3 of the Act is the Chair of the TSB. The incumbents of the positions of Chief Operating Officer, General Counsel, and Senior ATIP Analyst have been delegated powers by the Chair deemed appropriate for the effective administration of the Act. These employees ensure that the TSB meets all its obligations fairly and consistently. The delegation authority remained the same in 2017–18. A copy of the delegation order is attached as Appendix A.

4.0 *Disposition of requests*

4.1 *Requests for personal information*

During the 2017–18 reporting period, twenty-one (21) formal requests for personal information were received, compared to thirty-two (32) received in 2016–17. Privacy requests received by the TSB are primarily attributed to Canadian airline pilots inquiring as to whether they are named in any occurrences reported to the TSB. Certain international airlines request this information as a pre-employment requirement.

Of the twenty-one (21) requests closed in 2017–18, records were fully disclosed in twenty (20) cases, and one (1) request was disclosed in part. No request was carried over to the next fiscal year.

Of the twenty-one (21) requests closed during the reporting period, fourteen (14) were completed within 1 to 15 days, six (6) were completed within 16 to 30 days, and one (1) was completed within 31 to 60 days. The average time taken to process a request during the 2017–18 reporting period was 15.8 calendar days, compared with last year's average of 8.9 calendar days, which is explained by a significantly higher number of pages to review.

During this period, the ATIP Office was involved in the search, preparation, and review of 1357 pages of information, and the reproduction and release of 76 pages of information. Last year, 40 pages were reviewed and 40 pages were released. The variation in the number of pages reviewed between years is due simply to the different type of requests received.

The TSB's policy of openness allows for the disclosure of information to its employees without necessarily requiring that they invoke the *Privacy Act*. Human resources officers and support staff handle these requests as part of their routine duties. The TSB remains vigilant in meeting requirements under the Act to protect personal information under its control. This is achieved by ensuring that employees are cognizant of their responsibility to protect the personal information they handle in the course of their duties and by respecting the code of fair information practice enshrined in the legislation.

4.2 Costs

During 2016-17, the ATIP Office incurred an estimated $5,049 in costs to administer the *Privacy Act*, compared to $40,242 for the 2017–18 reporting period. These costs include salaries, overtime, goods and services, and professional services contracts for temporary help staff but do not include the resources expended by other areas of the TSB to meet the requirements of the Act. The increase in cost is the result of the increased number of records reviewed compared to the previous reporting period.

5.0 Training and education

The TSB has an orientation program in place for new employees, which includes training on ATIP awareness. In addition, the TSB has now made it mandatory for all staff to attend more comprehensive ATIP training sessions given by the ATIP Office. During 2017–18, the ATIP Office provided three (3) training sessions to thirty-two (32) employees at headquarters and regional offices, as part of the new employee orientation program. The ATIP Office also provides advice and guidance upon request to individuals and small groups of employees.

Given the responsibilities and knowledge requirements of the TSB ATIP Office, there is a long learning curve for its staff. Continuous on-the-job training is provided to ATIP staff to ensure sound and current knowledge of ATIP requirements and procedures, as well as TSB operations. In this context, ATIP staff attended all ATIP Community Meetings organized by the Treasury Board Secretariat during the year 2017–18. These Community Meetings provided ATIP staff with valuable information on trends and best practices within the ATIP circle, updates on recent complaints and court cases, and tools to help improve service standards within the field. Additionally, a specialized lawyer on the *Access to Information* and *Privacy Acts* presented to all ATIP staff on the latest case-law trends of relevance for the TSB.

6.0 Policies, guidelines and procedures

No new or revised privacy-related policies, guidelines, or procedures were implemented by the TSB during the reporting period.

7.0 Complaints and investigations

No complaints were received during 2017–18.

8.0 Monitoring process

The TSB monitors the time to process privacy requests, through bi-weekly meetings between the General Counsel (ATIP Coordinator) and the Senior ATIP Analyst, during which the status of outstanding requests is reviewed. Any significant issues are raised to the Chief Operating Officer on an ad-hoc basis when required.

9.0 Material privacy breaches

No material privacy breaches occurred during the reporting period.

10.0 Privacy impact assessments

The TSB did not undertake any privacy impact assessments during the reporting period.

11.0 Disclosures pursuant to paragraph 8(2)(m)

During fiscal year 2017–18, the TSB made no disclosure of information in the public interest pursuant to paragraph 8(2)(m).

12.0 Statistics required by Treasury Board

The statistics required by the Treasury Board Secretariat are found in Appendix B.

Appendices

Appendix A – Delegation order

Transportation Safety Board of Canada

Bureau de la sécurité des transports du Canada

Our file Notre référence

5 January 2017

Designation Order – *Privacy Act*

The Chair of the Transportation Safety Board of Canada, pursuant to section 73 of the *Privacy Act*, hereby designates the persons holding the positions set out in the table below, or the persons occupying on an acting basis those positions, to exercise the specified powers and perform the related duties and functions of the Chair as the Head of a government institution under the *Privacy Act*.

This designation replaces the designation dated 1 June 2015.

Positions	Sections of the *Privacy Act*
Chair	All sections
Chief Operating Officer	All sections
General Counsel	All sections
Senior ATIP Analyst	Section 15 - extensions

Kathleen Fox
Chair

Canada

Appendix B – Statistical report on the Privacy Act

Statistical Report on the *Privacy Act*

Name of institution: Transportation Safety Board of Canada

Reporting period: 2017-04-01 to 2018-03-31

Part 1: Requests under the Privacy Act

1.1 Requests under the Privacy Act

	Number of requests
Received during reporting period	21
Outstanding from previous reporting period	0
Total	21
Closed during reporting period	21
Carried over to next reporting period	0

Part 2: Requests closed during the reporting period

2.1 Disposition and completion time

Disposition of requests	Completion time							
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	Total
All disclosed	14	6	0	0	0	0	0	20
Disclosed in part	0	0	1	0	0	0	0	1
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	14	6	1	0	0	0	0	21

2.2 Exemptions

Section	Number of requests
18(2)	0
19(1)(a)	0
19(1)(b)	0
19(1)(c)	0
19(1)(d)	0
19(1)(e)	0
19(1)(f)	0
20	0
21	0
22(1)(a)(i)	0
22(1)(a)(ii)	0
22(1)(a)(iii)	0
22(1)(b)	0
22(1)(c)	0
22(2)	0
22.1	0
22.2	0
22.3	1
23(a)	0
23(b)	0
24(a)	0
24(b)	0
25	0
26	1
27	0
28	0

2.3 Exclusions

Section	Number of requests
69(1)(a)	0
69(1)(b)	0
69.1	0
70(1)	0
70(1)(a)	0
70(1)(b)	0
70(1)(c)	0
70(1)(d)	0
70(1)(e)	0
70(1)(f)	0
70.1	0

2.4 Format of information released

Disposition	Paper	Electronic	Other formats
All disclosed	2	16	2
Disclosed in part	0	0	0
Total	2	17	2

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Disposition of requests	Number of pages processed	Number of pages disclosed	Number of requests
All disclosed	26	26	20
Disclosed in part	1331	50	1
All exempted	0	0	0
All excluded	0	0	0
Request abandoned	0	0	0
Neither confirmed nor denied	0	0	0
Total	1357	76	21

2.5.2 Relevant pages processed and disclosed, by size of request

Disposition	Less than 100 pages processed		101–500 pages processed		501–1000 pages processed		1001–5000 pages processed		more than 5000 pages processed	
	Number of requests	Number of pages disclosed	Number of requests	Number of pages disclosed	Number of requests	Number of pages disclosed	Number of requests	Number of pages disclosed	Number of requests	Number of pages disclosed
All disclosed	20	26	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	1	50	0	0	0	0
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	20	26	0	0	1	50	0	0	0	0

2.5.3 Other complexities

2.5.3 Other complexities

Disposition	Consultation required	Legal advice sought	Interwoven information	Other	Total
All disclosed	0	0	0	0	0
Disclosed in part	0	0	0	0	0
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0
Total	0	0	0	0	0

2.6 Deemed refusals

2.6.1 Reasons for not meeting statutory deadline

Number of requests closed past the statutory deadline	Principal reason			
	Workload	External consultation	Internal consultation	Other
0	0	0	0	0

2.6.2 Number of days past deadline

Number of days past deadline	Number of requests past deadline where no extension was taken	Number of requests past deadline where an extension was taken	Total
1 to 15 days	0	0	0
16 to 30 days	0	0	0
31 to 60 days	0	0	0
61 to 120 days	0	0	0
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	0	0	0

2.7 Requests for translation

2.7.1 Requests for translation

Translation requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	0	0	0

Part 3: Disclosures under subsections 8(2) and 8(5)

3.1 Disclosures under subsections 8(2) and 8(5)

Paragraph 8(2)(e)	Paragraph 8(2)(m)	Subsection 8(5)	Total
0	0	0	0

Part 4: Requests for correction of personal information and notations

4.1 Requests for correction of personal information and notations

Disposition for correction requests received	Number
Notations attached	0
Requests for correction accepted	0
Total	0

Part 5: Extensions

5.1 Reasons for extensions and disposition of requests

Disposition of requests where an extension was taken	15(a)(i) Interference with operations	15(a)(ii) Consultation		15(b) Translation or conversion
		Section 70	Other	
All disclosed	0	0	0	0
Disclosed in part	1	0	0	0
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Total	1	0	0	0

5.2 Length of extension

Length of extensions	15(a)(i) Interference with operations	15(a)(ii) Consultation		15(b) Translation purposes
		Section 70	Other	
1 to 15 days	0	0	0	0
16 to 30 days	1	0	0	0
Total	1	0	0	0

Part 6: Consultations received from other institutions and organizations

6.1 Consultations received from other Government of Canada institutions, organizations

Consultations	Other Government of Canada institutions	Number of pages to review	Other organizations	Number of pages to review
Received during the reporting period	0	0	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	0	0	0	0
Closed during the reporting period	0	0	0	0
Pending at the end of the reporting period	0	0	0	0

6.2 Recommendations and completion time for consultations received from other Government of Canada institutions

Recommendation	Number of days required to complete consultation requests							
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	Total
All disclosed	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

6.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of days required to complete consultation requests							
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	Total
All disclosed	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

Part 7: Completion time of consultations on Cabinet confidences

7.1 Requests with Legal Services

Number of days	Fewer than 100 pages processed		101–500 pages processed		501–1000 pages processed		1001–5000 pages processed		More than 5000 pages processed	
	Number of requests	Number of pages disclosed	Number of requests	Number of pages disclosed	Number of requests	Number of pages disclosed	Number of requests	Number of pages disclosed	Number of requests	Number of pages disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

7.2 Requests with Privy Council Office

Number of days	Fewer than 100 pages processed		101–500 pages processed		501–1000 pages processed		1001–5000 pages processed		More than 5000 pages processed	
	Number of requests	Number of pages disclosed	Number of requests	Number of pages disclosed	Number of requests	Pages Disclosed	Number of requests	Number of pages disclosed	Number of requests	Number of pages disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

Part 8: Complaints and investigations notices received

8.1 Complaints and investigations notices received

Section 31	Section 33	Section 35	Court action	Total
0	0	0	0	0

Part 9: Privacy impact assessments (PIAs)

Number of PIAs completed	0

Part 10: Resources related to the *Privacy Act*

10.1 Costs

Expenditures		Amount
Salaries		$38,284
Overtime		$0
Goods and services		$1,958
• Professional services contracts	$0	
• Other	$1,958	
Total		$40,242

10.2 Human resources

Resources	Person years dedicated to privacy activities
Full-time employees	0.40
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
Total	0.40